

AMENDED IN ASSEMBLY MAY 10, 2012

AMENDED IN ASSEMBLY APRIL 24, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2092**

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**Introduced by Assembly Member Chesbro**

February 23, 2012

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An act to amend Section 11019.8 of the Government Code, relating to economic development.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2092, as amended, Chesbro. Economic development: federally recognized Indian tribes.

Existing law encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the Indian tribes. Existing law provides that cooperation by state agencies with federally recognized California Indian tribes on those matters may include certain activities, but it may not include activities that promote gambling.

~~This bill would, instead, require that state agencies cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the Indian tribes. This bill would, instead, provide that cooperation and consultation by state agencies on economic development and improvement for with federally recognized California Indian tribes shall not be construed to include activities that are solely related to gaming promote gambling. This bill would require every state agency, on or before January 1, 2014, to adopt a policy to consult with federally recognized Indian tribes prior to the development~~

*of regulations, policies, rules, plans, or other actions that will significantly or uniquely affect that tribal community.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California is home to many federally recognized Indian tribes  
4 with which the State of California has an important relationship,  
5 as set forth and affirmed in state and federal laws.

6 (b) The State of California recognizes and reaffirms the inherent  
7 right of these Indian tribes to exercise sovereign authority over  
8 their members and their territory.

9 (c) The state and the Indian tribes are better able to adopt and  
10 implement mutually beneficial policies when they cooperate and  
11 engage in meaningful consultation.

12 (d) The state is committed to strengthening and sustaining  
13 effective government-to-government relationships between the  
14 state and the Indian tribes by identifying areas of mutual concern  
15 and working to develop partnerships and consensus.

16 SEC. 2. ~~Section 11019.8 of the Government Code is amended~~  
17 ~~to read:~~

18 ~~11019.8. (a) All state agencies, as defined in Section 11000,~~  
19 ~~shall cooperate with federally recognized California Indian tribes~~  
20 ~~on matters of economic development and improvement for the~~  
21 ~~Indian tribes.~~

22 ~~(b) Cooperation by state agencies with federally recognized~~  
23 ~~California Indian tribes may include, but need not be limited to,~~  
24 ~~all of the following:~~

25 ~~(1) Providing information on programs available to assist Indian~~  
26 ~~tribes.~~

27 ~~(2) Providing technical assistance on the preparation of grants~~  
28 ~~and applications for public and private funds, and conducting~~  
29 ~~meetings and workshops.~~

30 ~~(3) Any other steps that may reasonably be expected to assist~~  
31 ~~Indian tribes to become economically self-sufficient.~~

32 ~~(e) Cooperation by state agencies on economic development~~  
33 ~~and improvement for federally recognized California Indian tribes~~

1 ~~shall not be construed to include activities that are solely related~~  
2 ~~to gaming.~~

3 SEC. 2. *Section 11019.8 of the Government Code is amended*  
4 *to read:*

5 11019.8. (a) (1) *Every state agency shall, on or before January*  
6 *1, 2014, adopt a policy to consult with federally recognized*  
7 *California Indian tribes prior to the development of regulations,*  
8 *policies, rules, plans, or other actions that will significantly or*  
9 *uniquely affect that tribal community. The tribal consultation*  
10 *policies shall emphasize meaningful communication and*  
11 *collaboration with affected tribes. Consultation shall be conducted*  
12 *on a government-to-government basis.*

13 (2) *This subdivision is not intended to create, and shall not*  
14 *create, any rights or benefits, whether substantive or procedural,*  
15 *or enforceable at law or in equity, against the state or its agencies,*  
16 *departments, entities, officers, employees, or any other persons.*

17 (b) *All state agencies, as defined in Section 11000, are*  
18 *encouraged and authorized to cooperate with federally recognized*  
19 *California Indian tribes on matters of economic development and*  
20 *improvement for the tribes.*

21 ~~(b)~~  
22 (c) *Cooperation by state agencies with federally recognized*  
23 *California Indian tribes may include, but need not be limited to,*  
24 *all of the following:*

25 (1) *Providing information on programs available to assist Indian*  
26 *tribes.*

27 (2) *Providing technical assistance on the preparation of grants*  
28 *and applications for public and private funds, and conducting*  
29 *meetings and workshops.*

30 (3) *Any other steps that may reasonably be expected to assist*  
31 *tribes to become economically self-sufficient.*

32 ~~(e)~~  
33 (d) *Cooperation and consultation by state agencies on economic*  
34 ~~development and improvement for~~ *with* *federally recognized*  
35 *California Indian tribes, as described in this section, shall not be*  
36 *construed to include activities that promote gambling.*